

SENATE BILL 1659  
By Norris

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 15, relative to communications with health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-2-101, is amended by adding the following language as a new, appropriately designated subsection:

(h) Notwithstanding the above provisions or any other law to the contrary, there is no testimonial privilege in regards to communications between a health care provider and a patient; and any express or implied contract, covenant or agreement to keep medical information confidential is waived under any of the following circumstances:

- (1) The patient or guardian or other legal representative of the patient gives express consent;
- (2) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent; or
- (3) If a civil action is filed where the mental or physical condition of a patient is in controversy and such information would otherwise be discoverable under the Tennessee rules of civil procedure.

SECTION 2. Tennessee Code Annotated, Section 68-11-1503, is amended by adding the following as a new, appropriately designated subsection:

(d) Notwithstanding the above provisions or any other law to the contrary, there is no testimonial privilege in regards to communications between a health care facility and a patient; and any express or implied contract, covenant or agreement to keep medical information confidential is waived under any of the following circumstances:

(1) The patient or guardian or other legal representative of the patient gives express consent;

(2) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent; or

(3) If a civil action is filed where the mental or physical condition of a patient is in controversy and such information would otherwise be discoverable under the Tennessee rules of civil procedure.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.